



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 039158463J et al. (1 Summons) DEPT OF BUILDINGS, -against- BRUKLYN BUILDERS INC Hearing Date: 06/25/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039158463J	Dismissed	08/26/2025	533 GRAND STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B209	BC 3301.2	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The Department of Buildings (DOB) issued this Summons to Brucklyn Builders Inc. The Summons charges a Class 1 or "immediately hazardous" violation for failure to protect all persons and property affected by construction operations, citing the lack of protections for the roof of an adjoining building. Carl Kanev, Esq., represented DOB at the remote hearing, and Phoebe Dossett, Esq., represented Brucklyn Builders. The hearing had been adjourned for the testimony of the inspector who issued the Summons, but he was not present, and the hearing continued without him.

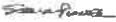
The matter was litigated with regard to both service and the merits. And I note for the record that, following some discussion of the Summons and an evidence package with photographs which Mr. Kanev submitted, the violation was downgraded on

consent to Class 2 or "major" violation, which I would sustain if I were to reach the merits.

However, that motion was granted without prejudice to Ms. Dossett's service arguments. The inspector's affirmation of service reflects alternative affix-and-mail service under City Charter 1049-a(d)(2) by posting on the construction fence after "workers on the premises stated they were not authorized to receive the NOV at the time of service." Ms. Dossett argued this statement was inadequate to establish a proper service attempt because it failed to reflect an inquiry about whether someone who was authorized might be available. Mr. Kanev countered that the use of "workers" in the plural reflected an intent to ask about others, and Ms. Dossett replied that it was too ambiguous.

In making her argument, Ms. Dossett relied on DOB v. B.O.S.S. Associates Inc (Appeal No. 1800255, 5/17/2018). That decision holds: "If an IO serving a corporation finds someone, the IO must ask if the person is of the class authorized to accept service. See *NYC v. Old Brownsville Renaissance Corp.*, Appeal No. 1000122 (July 22, 2010). If the person indicates they are not so authorized, the IO is also obligated to also ask whether any such persons are available. See *NYC v. Noble Construction Gr LLC*, Appeal No. 1700740 (Aug. 19, 2017). Because the IO's inquiry did not include asking whether anyone from the authorized class was available, Petitioner did not establish a reasonable attempt at service. Therefore, alternate service was improper and the summonses must be dismissed." (p.2)

I have no evidence that such an inquiry was made here. It cannot be implied from the use of the plural. I note that no motion was made for a further adjournment for the issuing inspector, and I find that the record before me fails to establish that service was proper. Accordingly, this Summons is dismissed.

	
06/25/2026	06/25/2026
Sara Piovio, Judicial Hearing Officer	Date